

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6120 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

SAVITABEN KANTI NATHA CHHARA

Versus

COMMISSIONER OF POLICE

Appearance:

MR RC Kodikar for Mr VIJAY H PATEL for Petitioner
Mr K M Mehta, AGp for Respondent No. 1, 2, 3

CORAM : MR.JUSTICE N.N.MATHUR

Date of decision: 04/11/96

ORAL JUDGEMENT

The petitioner has been detained by the order passed by the Police Commissioner, Ahmedabad City dated 27.6.1996 under the provisions of Gujarat Prevention of Anti-Social Activities Act, 1985 (hereinafter referred to as 'the Act'). It is now well settled that a person cannot be detained simply because he is a bootlegger unless there is sufficient material to show that he has further indulged in activities disturbing maintenance of public order. Reference may be given in a decision in

the case of Piyush v. M M Mehta, Commissioner of Police, Ahmedabad, reported in AIR 1989 SC 419.

2. I have perused the material on record with the assistance of the learned Advocates. There is no material to show that the petitioner has indulged in any activities as a bootlegger which has disturbed or likely to disturb maintenance of public order. Thus the order of detention cannot be sustained.

3. In view of the aforesaid, this Special Civil Application is allowed. The impugned order of detention dated 27.6.1996 is quashed and set aside, and direct that the detenu be set at liberty forthwith unless required in connection with any other case.

Rule made absolute accordingly.

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